

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

ARCHITECTURAL IRON WORKERS' LOCAL)	
NO. 63 WELFARE FUND, ARCHITECTURAL)	
IRON WORKERS' LOCAL NO. 63 DEFINED)	
CONTRIBUTION PENSION FUND,)	Case No: 25 CV
ARCHITECTURAL METAL TRAINEE SCHOOL)	
FOR LOCAL NO. 63 AND THE IRON LEAGUE OF)	
CHICAGO, INC. and the ARCHITECTURAL and)	Judge:
ORNAMENTAL IRON WORKERS' UNION)	
LOCAL NO. 63,)	
)	Magistrate Judge:
Plaintiffs,)	
)	
v.)	
)	
UNDERLAND ARCHITECTURAL SYSTEMS, INC.,)	
an Indiana corporation,)	
)	
Defendant.)	

COMPLAINT

Plaintiffs, the ARCHITECTURAL IRON WORKERS LOCAL NO. 63 WELFARE FUND, *et al.* (collectively "Funds"), by their attorneys, Gregory W. Hosé, Andrew S. Pigott, Kyle R. Sullivan, and the law firm of Gregorio, Stec, Klein & Hosé, complain of the Defendant, UNDERLAND ARCHITECTURAL SYSTEMS, INC. ("Underland"), alleging as follows:

1. This action arises under Section 502 of the Employee Retirement Income Security Act and Section 301 of the Taft-Hartley Act. (29 U.S.C. §§1132 and 185). Federal jurisdiction lies under questions arising thereunder.

2. The Funds' administration is located in Oak Brook, Illinois, and Underland's principal place of business is in Lynwood, Illinois, so that the Northern District of Illinois is the proper venue for this action.

3. The Funds receive fringe benefit contributions pursuant to Collective Bargaining Agreements (“CBAs”) between ARCHITECTURAL AND ORNAMENTAL IRON WORKERS’ UNION LOCAL NO. 63, ("Local 63") and its signatory employers.

4. The Funds are, therefore, multi-employer plans as defined under 29 U.S.C. §1002.

5. At all times pertinent, Underland was a signatory employer of Local 63.

6. Underland’s CBA also bound it to the provisions of the Declarations of Trust ("Trust Agreements") creating the Funds.

7. Underland’s CBA and the Trust Agreements obligated Underland to contribute the amounts specified in the CBA to the Funds for each hour worked by its bargaining unit employees.

8. Between the months of April 2024 and February 2025, Underland tendered contribution reports to the Funds reflecting its calculation of contributions owed to the Funds, but provided no corresponding payments. Ex. A.

9. Underland is presently in the process of shuttering its operations

COUNT ONE
Known Delinquency

10. Plaintiffs incorporate paragraphs one through nine of the Complaint as though fully set forth herein.

11. By its own unpaid contribution reports, Underland admits to owing the Funds \$85,405.50 in delinquent contributions.

WHEREFORE, the Funds ask this Court to:

- A. Award the Funds a \$85,405.50 money judgment, plus liquidated damages and the greater of interest or double interest, pursuant to the CBA, Trust Agreements and/or 29 U.S.C. §1132(g)(2);
- B. Order Underland to pay the attorney fees and costs incurred by the Funds, pursuant to the CBA, Trust Agreements and 29 U.S.C. §1132(g)(2);

- C. Grant the Funds such other and further relief as the Court may deem just and equitable.

COUNT TWO
Exit Audit

12. Plaintiffs incorporate paragraphs one through eleven of the Complaint as though fully set forth herein.

13. Underland's CBA and the Trust Agreements provide that, on request by the Funds, a signatory/participating employer shall submit its books and records to the Funds' auditor for examination, so as to determine whether the employer has fully complied with its contribution obligation.

14. In light of Underland's imminent closure, the Funds require an exit audit to ensure that Underland contributes its final amounts due.

WHEREFORE, the Funds ask this Court to:

- A. Order the Funds to submit its books and records to the Funds' auditor for examination;
- B. Award the Funds a money judgment for any amounts determined due by the audit;
- C. Order Underland to pay the attorney fees and costs incurred by the Funds, pursuant to the CBA, Trust Agreements and 29 U.S.C. §1132(g)(2);
- D. Grant the Funds such other and further relief as the Court may deem just and equitable.

Respectfully submitted,
ARCHITECTURAL IRON WORKERS
LOCAL NO. 63 WELFARE FUND, *et al.*

By: /s/ Andrew S. Pigott
One of their attorneys

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